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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/793,416	10/23/1997	JOHN THOMAS HARE	18872.0056	5267

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EXAMINER

BEHREND, HARVEY E

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

68/793416

Applicant(s)

Hare et al

Examiner

Bohrend

Group Art Unit

3641

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6/24/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 20-38 is/are pending in the application.
- Of the above claim(s) 30-38 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 20-29 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Applicant's election without traverse of Group I, species B (the embodiment of Fig. 2) and "silicone" as the outer polymeric material in Paper No. 22 is acknowledged.

Applicant lists claims 20-29 as readable on each of the elected species.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 20-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by any of Sedlak et al, Breton et al or Weinberger, for the reasons set forth in section 3 of the 6/17/02 Office action.

Note that the discussion in said section 3 concerning the shield having a "cylindrical body" can be disregarded because this limitation is no longer recited in applicant's claims.

5. Claims 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Breton et al or Weinberger, for the reasons set forth in section 4 of the 6/17/02 Office action.

Note that the additional limitation of claim 26 corresponds to that of original claim 7 (which is referred to in said section 4).

6. Claim 26 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sedlak et al.

Note col. 4.

7. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Sedlak et al, Breton et al, or Weinberger as applied to claims 20-25 above, and further in view of any of Leguillon, Orrison, Jr., or Tarlow, for the reasons set forth in section 6 of the 6/17/02 Office section.

8. Claims 20-26 are rejected under 35 USC 103(a) as being unpatentable over either Breton et al or Weinberger as applied to claims 20-26 above, and further in view of any of Leguillon, Orrison, Jr., or Tarlow, for the reasons set forth in section 6 of the 6/17/02 Office action.

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9. Claim 26 is rejected under 35 USC 103(a) as being unpatentable over Sedlak et al as applied to claim 26 above, and further in view of any of Leguillon, Orrison, Jr., or Tarlow, for the reasons set forth in section 6 of the 6/17/02 Office action.

10. Claims 20-27 are rejected under USC 103(a) as being unpatentable over any of Breton et al, Sedlak et al, or Weinberger alone or with Harrison, alone or with any of Cote, Fry et al or McClintock, for the reasons set forth in section 9 of the 6/17/02 Office action.

Note that the additional limitation of claim 27 correspond to that of original claim 8.

11. Claims 20-27 are rejected under 35 USC 103(a) as being unpatentable over any of Breton et al, Sedlak et al, or Weinberger, in view of any of Frevel, Labino or Japan 0552799, for the reasons set forth in section 10 of the 6/17/02 Office section.

12. Claims 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over an of Sedlak et al, Breton et al or Weinberger as applied to claims 20-25 above, and further in view of any of Lubow, Sternlicht, Allen, Futo et al or Morrison.

The primary references have been discussed above. As indicated above, the primary references each illustrate a radiation shield structure that can be made in sheet form which is curved or shaped as desired (including shaping into gloves, orthopedic casts, etc. (which inherently involves the presence of a joint or seam between edges of the sheet of radiation shield material)).

It is a notoriously well known and advantageous expedient in the art that such joints or seams should be formed so as to prevent streaming of radiation there through

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(e.g. see Allen in col. 4 lines 24-36 and col. 6 lines 35-56, Futo et al on page 2 lines 36-50 and Figs. 7 and 8 and, Morrison on page 2 lines 1-9).

Sternlicht shows that in the forming or shaping of radiation shield material in sheet form, to make cylindrical type object such as gloves, it is old and advantageous in the art to have the abutting edges of the sheet be beveled or formed with corresponding oblique angles so that when joined together, they overlap one another so as to reinforce the seam (both in regard to its strength and its ability to prevent the passage of X-rays (radiation) (e.g. see page 1 second column, lines 23-42, page 2 first column lines 25+ and second column lines 13+)).

Lubow (in a manner similar to that of Sternlicht) also shows it is old and advantageous in the art to have the abutting edges of the sheet be beveled so as to overlap one another (e.g. see Fig. 12 and col. 2 second column, lines 1-17).

Accordingly, it would have been prima facie obvious to have beveled the abutting edges of the radiation shield sheets of any of the primary references so that the edges overlap one another to prevent streaming therethrough of radiation and, so as to obtain a stronger joint, as shown to be old and advantageous in this art by any of Lubow, Sternlicht, Allen, Futo et al or Morrison.

13. Claims 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Sedlak et al, Breton et al or Weinberger alone or with Harrison, alone or with any of Cote, Fry et al or McClintock as applied to claims 20-27 above, and further in view of any of Lubow, Sternlicht, Allen, Futo et al or Morrison, for the reasons set forth in section 12 above.

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14. Claims 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Sedlak et al, Breton et al or Weinberger in view of any of Frevel, Labino or Japan 0552799 as applied to claims 20-27 above, and further in view of any of Lubow, Sternlicht, Allen, Futo et al or Morrison, for the reasons set forth in section 12 above.

15. The other references cited further illustrate pertinent art.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harvey Behrend whose telephone number is (703) 305-1831. The examiner can normally be reached on Tuesday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


HARVEY E. BEHREND
PRIMARY EXAMINER

Behrend/kn
August 14, 2003